

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

Tawni Bennett,	§	
	§	
	§	
Plaintiff,	§	Civil Action No. Case 4:21-cv-00340-
	§	ALM
v.	§	
	§	
Veterans Aid PAC, Inc.,	§	
	§	
Defendant.	§	
	§	
	§	

PLAINTIFF'S PROPOSED JURY INSTRUCTION

AND NOW, Plaintiff Tawni Bennett, by and through her undersigned counsel, over the objection of Defendant Veterans Aid Pac, Inc., hereby submits her proposed jury instructions:

**PLAINTIFF'S PROPOSED JURY INSTRUCTION NO. 1:
SOUNDBOARD TECHNOLOGY IS AN ARTIFICIAL OR PRE-RECORDED VOICE**

Soundboard technology is an audio technology where pre-recorded clips and artificial voice technology is played in a manner responds to human prompts to emulate a two-way conversation. The Federal Trade Commission and Federal Communications Commission have both concluded that soundboard technology is a pre-recorded or artificial voice as defined by the TCPA.

Accordingly, you are not being asked to determine whether soundboard technology is a pre-recorded or artificial voice. If you conclude soundboard technology was used, then you have concluded that a pre-recorded or artificial voice was used.

Soundboard Ass'n v. FTC, 435 U.S. App. D.C. 208, 209, 888 F.3d 1261, 1262 (D.C. Circ. 2018); FCC Declaratory Ruling and Order DA 20-1507 (Dec. 18, 2020)

Truly yours,

/s/ Jacob U. Ginsburg

Jacob U. Ginsburg

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Dated: June 6, 2022

CERTIFICATE OF SERVICE

I, Jacob U. Ginsburg hereby certify I served a copy of the foregoing on all parties of record via ECF.

/s/ Jacob U. Ginsburg